

AGENDA



Thursday, June 8, 2006

 + Back

**Zone Hearings/App Ordinances/Restrictive Covenants
RECOMMENDATION FOR COUNCIL
ACTION**

ITEM 01 PH

Subject: C14-06-0005 - North Terraces at Scofield Ridge - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13205 Burnet Road (Walnut Creek Watershed) from neighborhood commercial (LR) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Tiger Creek Partners (David Downing). Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.

Additional Backup Material

(click to open)

 **Staff Report**

For More Information: Sherri Sirwaitis, 974-3057

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0005

Z.A.P. DATE: February 21, 2006
March 7, 2006
April 4, 2006
May 2, 2006

ADDRESS: 13205 Burnet Road

OWNER/APPLICANT: Tiger Creek Partners
(David Downing)

AGENT: Thrower Design (Ron Thrower)

ZONING FROM: LR

TO: GR

AREA: 3.280 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant GR-CO, Community Commercial-Conditional Overlay district, zoning. The conditional overlay would limit the development intensity to less than 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

2/21/06: Postponed to March 7, 2006 by the staff (8-0, T. Rabago-not yet arrived); J. Martinez-1st, J. Gohil-2nd.

3/07/06: Postponed to April 4, 2006 by the applicant (9-0); J. Martinez-1st, J. Pinnelli-2nd.

4/04/06: Postponed to May 2, 2006 by the staff (7-0, T. Rabago, J. Pinnelli-absent); J. Martinez-1st, S.Hale-2nd.

5/02/06: Approved staff's recommendation for GR-CO district zoning by consent, prohibiting Pawn Shop Services, Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing-of any type (8-0, J. Martinez-absent); J. Gohil-1st, J. Pinnelli-2nd.

DEPARTMENT COMMENTS:

The property in question is currently undeveloped. The applicant is requesting to rezone this site because they propose to develop a furniture sales (General Retail Sales-General) use on the property. The staff is recommending GR-CO zoning for this site because the applicant's request meets the intent of the purpose statement for the GR, Community Commercial, zoning district. The property is adjacent to existing commercial zoning and will take access from to a major arterial roadway, Burnet Road/FM 1325. The proposed zoning is consistent with the land use recommendations approved by the City Council through the North Lamar Area Study (North Lamar Area Study Recommended Future Land Use Map-Attachment A).

The applicant agrees with the Zoning and Platting Commission's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR	Undeveloped
<i>North</i>	GO, GR	Undeveloped Tract
<i>South</i>	GR	Undeveloped Tract, Service Station
<i>East</i>	MF-3-CO	Multifamily Residential
<i>West</i>	LR	Undeveloped Tract (Recently acquired by the state as right-of-way for the widening of Burnet Road/F.M. 1325)

AREA STUDY: North Lamar Area Study**TIA:** Waived**WATERSHED:** Walnut Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

- 55 - Northwood Homeowners Association
- 64 - River Oaks Lakes Estates Neighborhood Association
- 114 - North Growth Corridor Alliance
- 244 - McNeil Drive Neighborhood Association
- 742 - Austin Independent School District
- 903 - The Ridge @ Scofield Homeowners Association

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-03-0188	GO to GR	4/3/04: Approved staff's recommendation of GR zoning, by consent (9-0)	3/04/04: Granted GR zoning (6-0, McCracken-absent); all 3 readings
C14-00-2179	IP to SF-2, SF-3, MF-1	10/17/00: Approved staff rec. of SF-2 (TR1), SF-3 (TR 2), and MF-1 (TR3) by consent (8-0)	11/30/00: Approved SF-2-CO (TR1), SF-3-CO (TR2); MF-1-CO (TR3) w/condition of 2,000 vehicle trip per day limit (7-0); all 3 readings
C14-00-2112	IP to MF-3	9/19/00: Approved staff alternate rec. of MF-3-CO by consent (9-0); conditions as follows: 1) 2,000 vehicle trip per day limit 2) Maximum of 23 residential units per acre 3) A residential structure or portion of a residential structure may not be constructed within 100 ft of the north property line between Ida Ridge and Orchid Lane	10/26/00: Approved MF-3-CO (7-0); 1 st reading 12/7/00: Approved MF-3-CO (7-0); 2 nd /3 rd readings
C14-95-0051	GO to CS-CO	5/23/95: Approved staff alternate rec. of CS-CO w/conditions (7-0)	6/22/95: Approved CS-CO w/conditions (5-0); all 3 readings

C14-92-0109	IP to MF-3	11/24/92: Approved MF-3	12/3/92: Approved MF-3-CO; with following conditions: 1) Limit of 23 units per acre for multifamily development 2) Parkland dedication shall apply at site plan approval (6-0-1, RR-abstain); 1 st reading 4/7/94: Approved MF-3-CO (5-0-1, RR-abstain); 2 nd reading 4/21/94: Approved MF-3-CO (5-0-1, RR-abstain); 3 rd reading
C14-95-0051	GO to CS-CO	5/23/95: Approved staff alternate rec. of CS-CO w/conditions (7-0)	6/22/95: Approved CS-CO w/ conditions (5-0); all 3 readings
C14-94-0056	LO, LR to MF-3	9/27/94: Approved MF-2-CO (TR1), MF-3-CO (TR2) w/ conditions (9-0)	11/3/94: Approved MF-2-CO (TR1), MF-3-CO (TR2) w/conditions (5-0); all 3 readings
C14-92-0135	GR to CS	3/16/93: Approved W/LO as amended w/conditions offered by neighborhood association (7-0) 5/23/93: Approved CS w/ conditions (6-1)	4/1/93: Approved W/LO w/conditions [Action later rescinded] 5/13/93: Rescind action on 1 st reading, refer back to PC for reconsideration (7-0) 5/27/93: Approved CS-CO (7-0); 1 st reading 6/10/93: Approved CS-CO (6-0); 2 nd /3 rd readings
C14-92-0108	IP to MF-3	11/24/92: Approved MF-3	12/3/92: Approved MF-3-CO; with following conditions: 1) Limit of 23 units per acre for multifamily development 2) Parkland dedication shall apply at site plan approval (6-0-1, RR-abstain); 1 st reading 4/7/94: Approved MF-3-CO (5-0-1, RR-abstain); 2 nd reading 4/21/94: Approved MF-3-CO (5-0-1, RR-abstain); 3 rd reading

RELATED CASES: N/A

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
FM 1325	Varies	Varies	Major Arterial	N/A

CITY COUNCIL DATE: June 8, 2006

ORDINANCE READINGS: 1st

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

ACTION:

2nd

3rd

PHONE: 974-3057,
sherri.sirwaitis@ci.austin.tx.us

PUD

CONCRETE PLANT



 1" = 400'	SUBJECT TRACT		ZONING	CITY GRID REFERENCE NUMBER L36
	PENDING CASE			
	ZONING BOUNDARY			
	CASE MGR: S.BIRWAITIS			
	CASE #: C14-06-0005		DATE: 06-02	
	ADDRESS: BURNET RD			
	SUBJECT AREA (acres): 3.280		INTLS: SM	



STAFF RECOMMENDATION

The staff's recommendation is to grant GR-CO, Community Commercial-Conditional Overlay district, zoning. The conditional overlay would limit the development intensity to less than 2,000 vehicle trips per day.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The Community Commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

2. *The proposed zoning should promote consistency, and orderly planning.*

The site under consideration is adjacent to existing GR (Community Commercial District) zoning to the north and south. The proposed zoning will allow for commercial uses at the intersection of two arterial roadways that will provide services for the residential developments to the east.

3. *The proposed zoning should allow for a reasonable use of the property.*

GR-CO zoning would allow for a fair and reasonable use of the site because it will permit this site to be developed with retail uses along a major arterial roadway. Burnet Road/ F.M. 1325 is currently undergoing major construction, which will include roadway widening and signalization that is expected to be completed in late 2007 (For additional roadway information, please see 'Transportation' comments below.).

4. *The rezoning should be consistent with the policies and principles adopted by the City Council or Zoning & Platting/Planning Commission.*

The property in question is located within the boundaries of the North Lamar Area Study, which was adopted by the City Council in May 1985. The future land use map in the area study recommends commercial land use for this tract of land. Therefore, the applicant's request is consistent with previous principles approved by the Commission and Council through the North Lamar Area Study.

EXISTING CONDITIONS

Site Characteristics

The site under consideration is relatively flat and has a grassy terrain with clusters of trees. The property fronts onto Scofield Ridge Parkway, a major arterial roadway. The land to the north is currently undeveloped. The tract to the west, currently shown on the case map as zoned 'LR', has been acquired by the state as right-of-way for the widening of F.M. 1325.

Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 90%. However, because the Watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% with Transfers
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Note: The most restrictive impervious cover limit applies.

Environmental

The site is located over the North Edward's Aquifer Recharge Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is flood plain in, or within close proximity of, the project location. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone shall be limited to 30%.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals which preempt current water quality or Code requirements.

Transportation

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 8,564 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

The Central Texas Turnpike Authority is planning major roadway improvements on Burnet Road/ F.M. 1325 in conjunction with the planned S.H.-45 project. These improvements include road widening and signalization from McNeil to MoPac. The project is currently under construction and is expected to be completed in late 2007.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO	SIDEWALKS
Burnet Road	Varies	Varies	Arterial	No	No	No
Scofield Ridge Dr.	120'	2@28'	Arterial	No	No	Yes

Right of Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustments are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the City inspection fee.

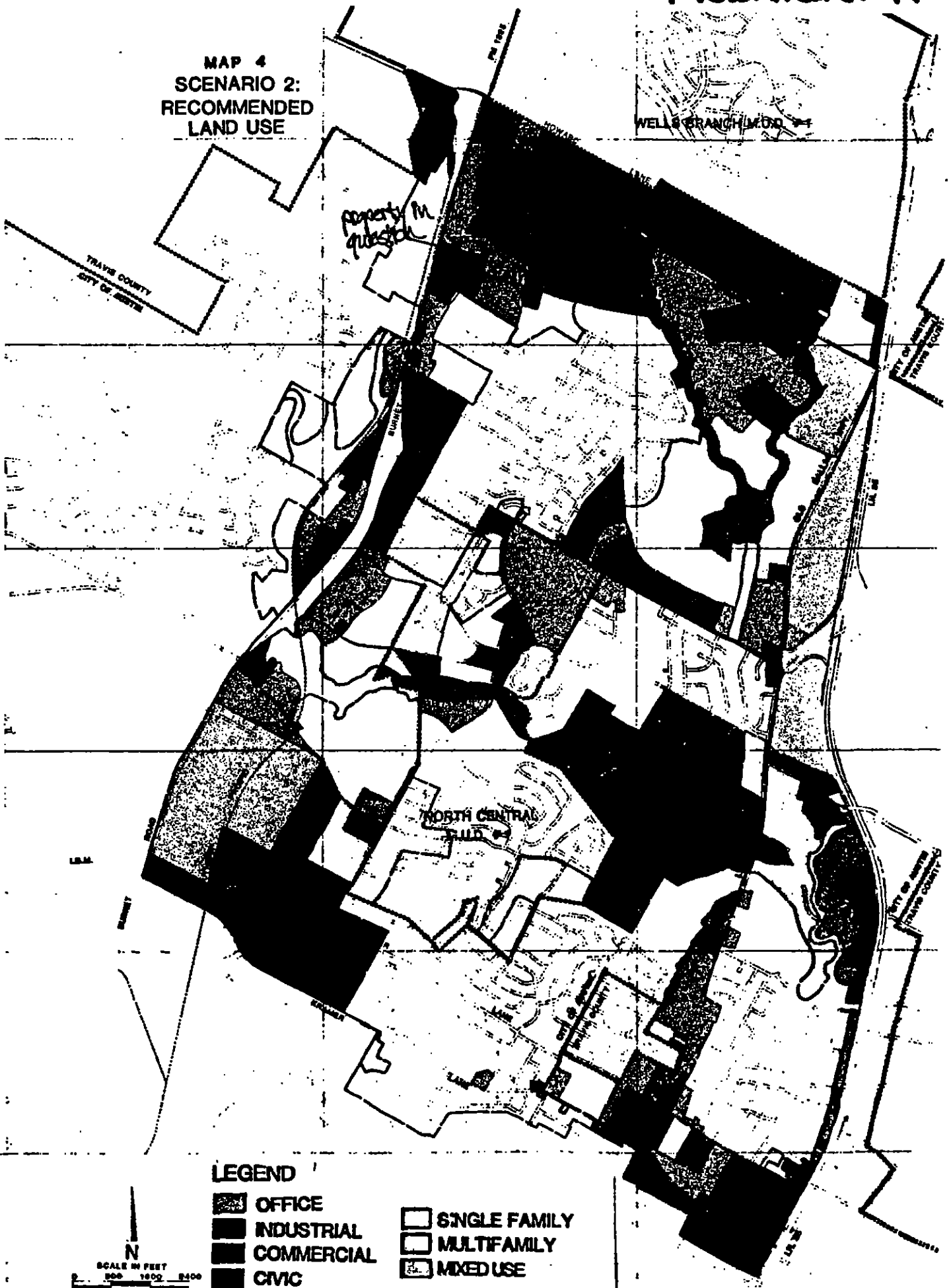
Stormwater Detention

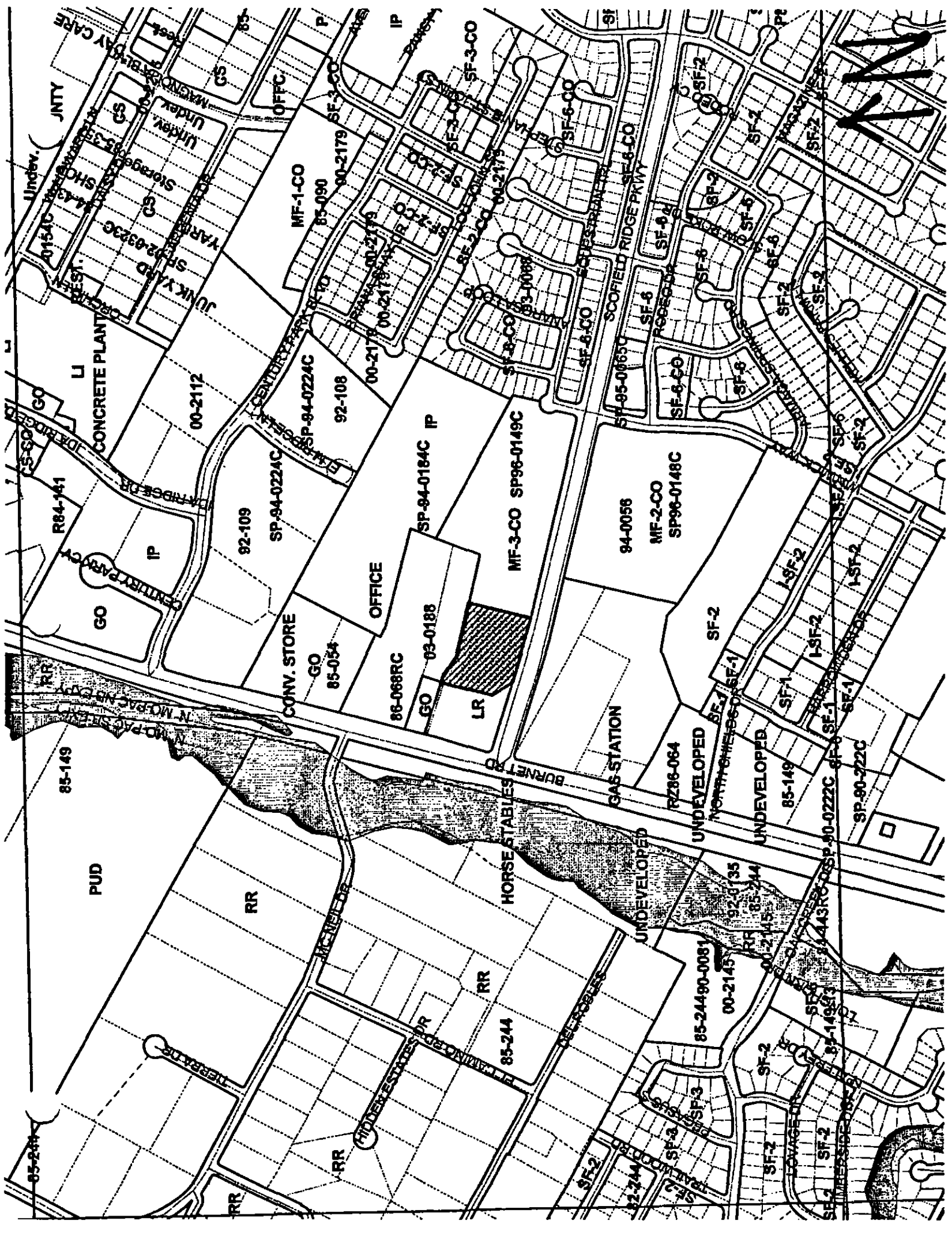
At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

Compatibility Standards

This site is not subject to compatibility development regulations.

**MAP 4
SCENARIO 2:
RECOMMENDED
LAND USE**





N

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 13205 BURNET ROAD FROM NEIGHBORHOOD
3 COMMERCIAL (LR) DISTRICT TO COMMUNITY COMMERCIAL-
4 CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT.

5
6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
7

8 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
9 change the base district from neighborhood commercial (LR) district to community
10 commercial-conditional overlay (GR-CO) combining district on the property described in
11 Zoning Case No. C14-06-0005, on file at the Neighborhood Planning and Zoning
12 Department, as follows:
13

14 A 3.280 acre tract of land, more or less, out of the Francisco Garcia Survey No.
15 312, Travis County, the tract of land being more particularly described by metes
16 and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),
17

18 locally known as 13205 Burnet Road, in the City of Austin, Travis County, Texas, and
19 generally identified in the map attached as Exhibit "B".
20

21 PART 2. The Property within the boundaries of the conditional overlay combining district
22 established by this ordinance is subject to the following conditions:
23

- 24 1. A site plan or building permit for the Property may not be approved, released, or
25 issued, if the completed development or uses of the Property, considered cumulatively
26 with all existing or previously authorized development and uses, generate traffic that
27 exceeds 2,000 trips per day.
28
- 29 2. The following uses are prohibited uses of the Property:
30

31 Pawn shop services	Automotive rentals
32 Automotive repair services	Automotive sales
33 Automotive washing (of any type)	
34	

35 Except as specifically restricted under this ordinance, the Property may be developed and
36 used in accordance with the regulations established for the community commercial (GR)
37 base district and other applicable requirements of the City Code.

2 **PART 3.** This ordinance takes effect on _____, 2006.
3
4

5 **PASSED AND APPROVED**
6

7
8
9 _____, 2006

§
§
§

Will Wynn
Mayor

10
11
12
13
14 **APPROVED:** _____

David Allan Smith
City Attorney

ATTEST: _____

Shirley A. Gentry
City Clerk



**Professional Land Surveying, Inc.
Surveying and Mapping**

EXHIBIT A

Office: 512-443-1724
Fax: 512-441-6987

2807 Manchaca Road
Building One
Austin, Texas 78704

**3.280 AC.
TIGER CREEK PARTNERS, L.P.
FRANCISCO GARCIA SURVEY NO. 312**

A DESCRIPTION OF 3.280 ACRES OF LAND IN THE FRANCISCO GARCIA SURVEY NO. 312, TRAVIS COUNTY, TEXAS, BEING ALL OF A 5.88 ACRE TRACT DESCRIBED IN A CORRECTION PARTITION DEED TO TIGER CREEK PARTNERS, L.P., DATED FEBRUARY 28, 2000, AND RECORDED IN DOCUMENT NO. 2002056821 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAVE AND EXCEPT A 2.602 ACRE TRACT DESCRIBED IN A DEED TO THE STATE OF TEXAS DATED MAY 21, 2002, AND RECORDED IN DOCUMENT NO. 2002132099 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 3.280 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a TXDOT Type 2 monument found in the east line of Burnet Road (F.M. 1325, right-of-way width varies), also being in the north line of the said 5.88 acre tract and the south line of a 3.056 acre tract recorded in Volume 12343, Page 1800 of the Real Property Records of Travis County, Texas, for the northeast corner of the said 2.602 acre tract and the southeast corner of a 0.741 acre tract described in Document No. 2002105449 of the Official Public Records of Travis County, Texas;

THENCE with the north line of the 5.88 acre tract and the south line of the 3.056 acre tract, the following three (3) courses:

- 1. South 72°42'45" East, a distance of 40.84 feet to a ½" rebar found;**
- 2. South 52°10'16" East, a distance of 119.73 feet to a ½" rebar found;**
- 3. South 77°16'06" East, a distance of 282.04 feet to a 120D nail found for the northeast corner of the 5.88 acre tract, also being the northwest corner of the Replat of Scofield Farms, Phase 8, Section 6, a subdivision of record in Volume 99, Page 139 of the Plat Records of Travis County, Texas;**

THENCE South 12°43'01" West, with the east line of the 5.88 acre tract and the west line of the Replat of Scofield Farms, Phase 8, Section 6, a distance of 332.01 feet to a ½" rebar found in the north line of Scofield Ridge Parkway (120' right-of-way width), described in the Scofield Ridge Parkway Street Dedication Phase One, and recorded in Volume 93, Page 23 of the Plat Records of Travis

County, Texas, for the southeast corner of the 5.88 acre tract and the southwest corner of the Replat of Scofield Farms, Phase 8, Section 6;

THENCE with the south line of the 5.88 acre tract and the north line of Scofield Ridge Parkway, the following three (3) courses:

1. North 77°18'07" West, a distance of 55.88 feet to a ½" rebar with cap set;
2. Along a curve to the right, having an arc length of 63.24 feet, a radius of 930.00 feet, and a chord which bears North 75°13'13" West, a distance of 63.23 feet to a ½" rebar with cap set;
3. North 73°28'52" West, a distance of 233.63 feet to a ½" rebar with cap set in the east line of Burnet Road for the southeast corner of the 2.602 acre tract;

THENCE over and across the 5.88 acre tract and with the east lines of Burnet Road and the 2.602 acre tract, the following three (3) courses:

1. North 30°44'03" West, a distance of 130.91 feet to a ½" rebar with cap set;
2. North 14°15'55" East, a distance of 119.85 feet to a ½" rebar with cap set;
3. Along a curve to the right, having an arc length of 153.77 feet, a radius of 3231.54 feet, and a chord which bears North 15°37'43" East, a distance of 153.76 feet to the **POINT OF BEGINNING**, containing 3.280 acres of land, more or less.

Surveyed on the ground November, 2005. Bearing Basis: Grid Azimuth for Texas Central Zone, NAD 1983/93 HARN values from LCRA control network. Attachments: Drawing 494-002-T11.



Robert C. Watts, Jr.
Registered Professional Land Surveyor
State of Texas No. 4995



11-21-05



SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: S.SIRWAITIS

CASE #: C14-06-0005

ADDRESS: BURNET RD

SUBJECT AREA (acres): 3.280

ZONING EXHIBIT B

DATE: 06-02

INTLS: SM

CITY GRID
REFERENCE
NUMBER

L36

1"=400'